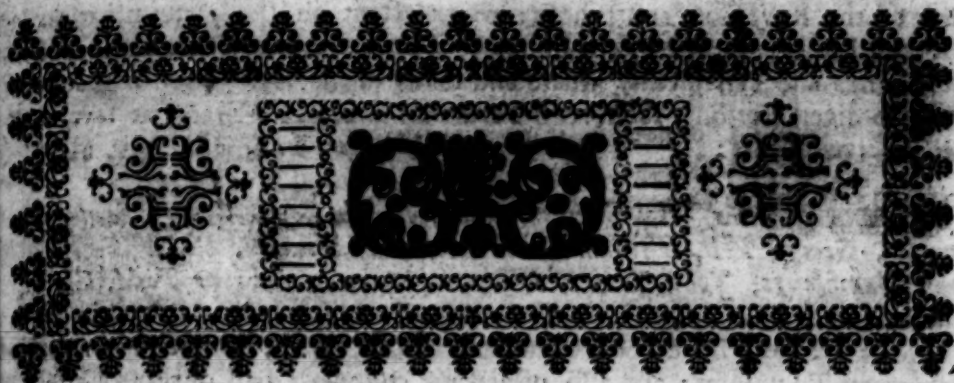


No 43

~~K. Great Brit. - George III~~

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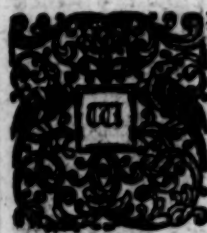
A N

C. 43

A C T

F O R

Dividing and Inclosing a certain Moor or Common,
within the Manor of *Evenwood*, and Chapelry
of *Saint Helens Auckland*, and County of *Dur-*
ham.



Hereas there is a large Common or Moor, or Tract of Preamble,
waste Land, situate within the Townships of *Evenwood*
and *West-Auckland*, and in the Manor of *Evenwood*,
and Chapelry of *Saint Helen Auckland*, in the County of
Durham, containing, by Estimation, Fifteen hundred
Acres of Ground, or thereabouts, being Part and Parcel
of a very large Common or Moor, called or known by
the Name of *Railey Fell*:

And whereas the Right Reverend Father in God *Richard* Lord Bishop of *Durham*, in Right of his Church and See of *Durham*, is Lord of the said Manor of *Evenwood*, in the said County of *Durham*, and as such is seized of and intituled unto the Soil of the said Common, Moor, or waste Land,

Bishop of
Durham Lord
of the Ma-
nor.

Land, as being Parcel of and belonging to the said Manor; and is also seised of the Reversion and Inheritance expectant on the Determination of several Leases, granted by the Bishop of *Durham* for the Time being, of divers Lands and Tenements, situate and being in the said Manor of *Evenwood*, to divers Persons, for several Terms for Lives and Years, at several small reserved Rents;

Persons intitled to Right of Common.

And whereas Sir *John Eden*, Baronet, *Ralph Carr*, *George Surtees*, Esquires, *George Bell*, *William Sanderson*, *John Trotter*, *Ralph Walton*, *John Humphreys*, *John James*, *William James*, and *Fryar Todd*, Gentlemen, and several other Persons, are respectively Owners and Proprietors of several Freehold Lands or Tenements, situate, lying, and being in the said several Townships; and also of several customary or Copyhold Lands or Tenements, also situate within the Townships, aforesaid, held of and within the said Manor of *Evenwood*, by Copy of Court Roll; and also divers Lands and Tenements, held by virtue of and under such Leases from the See of *Durham* as aforesaid, and the said several Persons, their Trustees, Lessees, Farmers, or Tenants, in respect of, or as appendant, appurtenant, or belonging to, their said several Freehold, Copyhold, and Leasehold Lands or Tenements, are intitled to a Right of Common in and upon the said Moor, Common, or Waste, or in and upon some particular Parts of the same respectively; and being willing and desirous to improve their Estates and Properties in the said Townships, and that the said Common, or Tract of waste Ground, may be cultivated and improved, and rendered of some Use and Value, have proposed and agreed, with the Consent of the said Lord of the said Manor, that the same shall be inclosed, allotted, and divided unto and among the several Persons intitled to such Right of Common thereon as aforesaid; and that a specifick Part or Share thereof may be assigned and allotted to each Person, to be held by them in Severalty, in such manner, and with, under, and subject to such Rents and Charges, Rules, Orders, and Directions, as herein-after are mentioned:

But although such Inclosure and Division, so proposed and agreed upon as aforesaid, would not only be of great Advantage to all Persons interested in the Premises, and tend greatly to the Improvement of their several Estates in the said Townships, but would be also of publick Utility; Yet the same cannot be established and rendered effectual without the Aid of Parliament:

May it please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lord Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Common, Moor, and Tract of waste Ground, situate, lying, and being within the Townships of *Evenwood* and *West-Auckland* aforesaid, shall, on or before the First Day of *December* One thousand Seven hundred and Sixty-three,

bc

be set out, divided, and allotted, by *William Yepson* of *Heighington*, in the said County of *Durham*, Gentleman, *George Dixon* of *Cockfield*, in the said County, Gentleman, *Richard Richardson* of *Darlington*, in the County aforesaid, Surveyor of Land, and *Hugh Boag* of the Parish of *Lamesley*, in the said County, Gentleman, Commissioners appointed by this Act, and their Successors, or any Three of them, amongst the several Persons intitled to a Right of Common on the said Commons, in the manner and subject to the Rules, Orders, and Directions, in and by this Act ordered, established, directed, appointed, and prescribed.

And, for the more just and regular Division and Distribution of the said Common or Moor, so to be divided as aforesaid, and for the better ascertaining of the same, **It is hereby further Enacted**, by the Authority aforesaid, That a Survey shall be made of the said Common or Moor, so intended to be inclosed as aforesaid, some time before the First Day of *December* One thousand Seven hundred and Sixty-two; and that on or before the First Day of *December* One thousand Seven hundred and Sixty-three, all the said Moor or Common shall, by the said Commissioners, or any Three of them, be set out, ascertained, and allotted by proper Stakes, Metes, and Land-Marks, unto and among the several Persons having Right of Common thereon in the Proportions following; that is to say, As to such Persons as are intitled to Lands only, or to Land and House or Houses usually farmed and occupied therewith as a Farm House or Farm Houses, then in Proportion to the Whole of the clear yearly Rent, or yearly Value of every such Farm, consisting of Land only, or Land and a Farm House thereto belonging and constituting One Farm: And as to such Persons as are intitled to a Mill, or to a House or Houses, Cottage or Cottages only, without any Lands thereto belonging, then in Proportion to One Half of the clear yearly Value or Rent of such Mill, House or Houses, Cottage or Cottages respectively: And as to such Person or Persons as are intitled both to Land and a Mill, or to Land and House or Houses, Cottage or Cottages, now farmed, lett, or occupied therewith, but such House or Houses, or Cottage or Cottages, have or hath been heretofore, or usually, held or occupied separately and distinctly from such Land, at separate and distinct Rents, or are or is not taken or deemed to be a Farm House or Farm Houses, then in Proportion to the whole clear yearly Rent or Value of such Land, and in Proportion to the Moiety of the clear yearly Rent or Value of such Mill, or House or Houses, Cottage or Cottages respectively.

And it is hereby Enacted, That the real yearly Rent or Value of all the said several Lands, Mills, Houses and Cottages respectively, shall be computed as the same were either in the Hands of the Owners or Proprietors of the same, or as lett or worth to be lett to the Tenants, Under-tenants, or Occupiers thereof respectively, for the Year beginning the Twelfth Day of *May*, One thousand Seven hundred and Fifty-nine.

Common to be surveyed before the 1st December, 1762, and divided before the 1st December 1763.

amongst Persons having Right of Common, in Proportion to the clear yearly Rents of their Estates.

As the same were lett, or worth to be lett, at May Day 1759.

And,

Yearly Rent
or Value to
be ascertained
at the First or
Second
Meeting:

upon Oath, or
Affirmation,
or by Affidavit.

Tenures to be
distinguished:

all Persons ne-
glecting to do
so, debarred
from the Be-
nefit of the
said Division.

All Inclo-
sures or In-
croachments,
not enjoyed
without Inter-
ruption for
20 Years, to
be deemed
Part of the
Waste to be
divided.

In case of Dis-
putes, to be
determined by
Arbitrators.

And, for the preventing all unnecessary Delays and Expences in fixing the real yearly Value or Rent of such Premises respectively, and for the effectual ascertaining thereof, and for distinguishing the yearly Values and Rents, and also the Natures and Tenures of the said Premises respectively, **It is hereby further Enacted**, by the Authority aforesaid, That all and every Person and Persons, having or claiming to have any Right of Common in and upon the said Moor, or waste Ground, by themselves, their Agents or Tenants respectively, shall, and they are hereby required, at the first or second Meeting of the said Commissioners, or any Three of them, to put in Execution this Act, to give and deliver in Writing to the said Commissioners, or any Three of them, then and there present, an Account of such Claims, and also a true and full Account in Writing, upon Oath, or being of the People called Quakers, upon solemn Affirmation (which Oath or Affirmation the said Commissioners then present, or any One of them, is and are hereby required and impowered to administer) or an Account in Writing, verified by Affidavit, to be taken and sworn before One of the Masters ordinary or extraordinary in Chancery, of the real yearly Rent or Value of such respective Premises, clear of all Taxes, Assessments, Deductions, and Allowances whatsoever (distinguishing the several Natures and Tenures of such respective Premises) as the same were lett together or separately for the said Year, beginning the said Twelfth Day of *May* One thousand Seven hundred and Fifty-nine; or in case the said Premises shall not have been then lett to any Tenants or Undertenants thereof respectively; or in case the same shall have been lett, with other Lands not intituled to Right of Common on the said Moor or Waste, then of the true yearly Value for which the same (distinguishing the respective Tenures of the said Premises) might really, and *bona fide*, have been lett respectively, clear of all such Taxes, Assessments, and other Deductions and Allowances, as aforesaid, at the Time aforesaid: And all and every Person and Persons neglecting or refusing to give and deliver in, or cause to be given and delivered in, such Accounts of his, her, or their said Claims, and of the real and clear yearly Rents or Values of such respective Premises as aforesaid, shall be, and is and are hereby excluded and debarred of and from all Benefit and Advantage of any Share or Allotment upon the said Division, by virtue of this present Act; and also from any Estate or Interest, or Right of Common whatsoever, of, in, or to the Lands and Grounds assigned or allotted to any Person or Persons, by virtue of or under this Act.

And be it further Enacted, by the Authority aforesaid, That all Inclosures or Incroachments which have been taken from the said Wastes and Commons (save such as have been enjoyed for Twenty Years last past without any Interruption) shall be deemed to be Part and Parcel of the said Moor or Common now to be divided and inclosed: And in case any Difficulties or Disputes shall happen to arise, touching what Parts or Parcels of the said Waste or Common shall or may be deemed or called Inclosures or Incroachments, such Difficulties and Disputes shall be and they are hereby referred to the Determination of the Arbitrators herein-after named and appointed Arbitrators, touching the Claims of Right of Common in or to the said Waste or Common, and to be by them proceeded in, examined,

examined and determined, in such and the like Manner as such Claims are herein-after mentioned and directed to be proceeded in, examined, and determined.

And be it further Enacted, by the Authority aforesaid, That these shall be issuing and payable, forth and out of all the Lands and Grounds to be divided and allotted by virtue of this Act, unto the Lord Bishop of *Durham*, and his Successors, Bishops of *Durham* for the Time being, for ever, such yearly and other Rents and Payments as are herein after-mentioned; that is to say, The yearly Rent of Four Pence for every Acre, and so in Proportion for any greater or lesser Quantity than One Acre, of the said Moor or Common so to be allotted, and to be payable and paid, without any Deduction for or on Account of any Taxes, Assessments, or Impositions whatsoever, parliamentary or otherwise, by the Owners, Proprietors, or Occupiers, for the Time being, of the said several Lands and Grounds so to be divided and allotted as aforesaid, at the Feast of *Pentecost*, and on the Twenty-second Day of *November*, in every Year for ever, by equal half-yearly Payments; the first Payment thereof to begin and be made on the Twenty-second Day of *November*, which will be in the Year of our Lord One thousand Seven hundred and Sixty-four.

Allotments to be subject to the yearly Rent of ad. per Acre to the Bishop for ever, clear of Deductions.

payable half-yearly, to commence the 22d of November 1764.

And be it further Enacted, by the Authority aforesaid, That in case the said yearly Rent of Four Pence an Acre, hereby charged upon and directed to issue out of the said Lands and Grounds to be allotted, in respect of any Lands or Tenements (not being Copyhold) or any Part thereof respectively, shall be behind land unpaid by the Space of Forty Days next after any of the Feasts or Days so appointed for Payment thereof as aforesaid, then and in such Case from time to time, and at all times, as often as it shall so happen, it shall and may be lawful to and for the said Lord Bishop of *Durham*, and his Successors, or his or their Agents, Officers, or Bailiffs, on his and their Behalfts, to enter into and upon, and also to take, distrain, and sell the Goods, Chattels, and Cattle, found in and upon all and every or any the Allotments of the Person or Persons whose Rent shall be so in Arrear as aforesaid, or in and upon the Premises in respect of which such Allotment shall be made, or any Part thereof, until thereby or therewith, or otherwise, all Arrears of the said yearly Rent, which before or during the Time of such Entry or Possession shall be, accrue, and become due, together with all Costs, Charges, Damages, and Expences, attending such Distress and Sale, and all Damages to be sustained by reason of Non-payment thereof, be fully paid and satisfied.

On Non-payment for 40 Days, Bishop to have Power of Distress and Sale,

either on Allotments or ancient Premises, not Copyhold.

And it is hereby further Enacted, by the Authority aforesaid, That the said Lord Bishop of *Durham*, and his Successors, shall have such and the same Remedies and Powers for recovering the Rents, and

Rents for Allotments in respect of Copyhold Premises, and

miscellaneous, to be recovered as Rents out of an ancient Copyhold are now recovered.

and Arrears of Rent, charged by virtue of this Act upon the Lands and Grounds so to be allotted in respect of such customary or Copyhold Lands and Tenements respectively, as he the said Lord Bishop, or any of his Predecessors respectively, had, or could or might have, enjoy, or be intitled to, for recovering the Rents, and Arrears of Rent, now charged upon or issuing out of the said customary or Copyhold Lands and Tenements respectively, before the passing this Act, or in case the same had not been made,

Commissioners not to give undue Preference.

Provided, and it is hereby further Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said intended Division and Inclosure; but that the said Commissioners in such Division and Allotments respectively, shall have a due regard as well to the Quality as Quantity, as also to the yearly Rents and Payments of Four Pence *per Acre*, to be charged upon, and to issue out of, the Lands so to be divided and allotted respectively, and to the Situation and Contiguity of the same to the inclosed Lands and Grounds, in respect of which the same shall be assigned and allotted; and also to all such other Matters and Things as shall be fit and proper for their Consideration.

Allotments to be of the same Tenure as Lands in respect of which they are made.

And it is hereby further Enacted, by the Authority aforesaid, That all such Lands and Grounds as shall be allotted to any Person or Persons by virtue of this Act, in Right or Respect of any Freehold Estates, shall be vested in and held by such Person or Persons respectively, in the same Manner and by the same Tenure as the said Freehold Lands, Tenements, or Hereditaments, in Right of or for which the said Lots or Parcels of Ground shall be set out or allotted, are holden respectively; subject, nevertheless, to such annual Rent and Rents, and such Powers and Remedies for the having and obtaining the same, as are herein provided in that Behalf.

Leasehold Allotments how to be held and leased.

And it is hereby further Enacted, That all such Lands and Grounds as shall be allotted to any Person or Persons, for or in respect of any Lands or Tenements held by any Lease or Leases from the Lord Bishop of *Durham*, shall be held and enjoyed by such Person or Persons respectively, for the Residue of the several Terms granted by the said Bishop of such Lands and Tenements respectively, which shall then be to come and unexpired; and, subject thereto, the Inheritance in Fee-simple of the same Lands and Grounds so to be allotted shall be vested in, and the same is and are hereby vested in, the Lord Bishop of *Durham*, and his Successors for ever; and the same Lands and Grounds so to be allotted as aforesaid, shall and may, from time to time, be demised, leased, or granted by the Lord Bishop of *Durham* for the

Time

Time being, in as full, ample, and beneficial Manner, to all Intents and Purposes, as the several Lands and Tenements, in respect of which such Allotments shall be made, could, might, or have been granted, leased, or demised.

Provided nevertheless, That the said Allotments to be made in respect of the said Leasehold Premises, shall be subject to the Payment of the said yearly Rent of Four Pence an Acre to the Bishop of *Durham*, and his Successors for ever.

Subject to
Four Pence
per Acre
yearly Rent.

And be it further Enacted, by the Authority aforesaid, That all such Lands and Grounds as shall be allotted to any Person or Persons, for or in respect of any Copyhold or customary Lands or Tenements held of the said Manor of *Evenwood*, shall be deemed and taken to be Copyhold or customary Lands, Parcel of the said Manor, and be annexed to, and held as Part of, the ancient inclosed Copyhold or customary Lands or Tenements, in respect whereof they are directed to be set off and allotted as aforesaid, and shall, from time to time, pass and be surrendered and held in and by such and the like Surrender and Surrenders, Admittance, and Admittances, by which the said ancient Copyhold or customary Premises are or have been passed, held, or surrendered, and subject to such and the like Fees for the said new Surrenders, Admittances, and Copies of the same, as the said ancient Copyhold Inclosures are subject to; and that such Allotments shall be demised and demiseable in such Manner, and be subject to such Suit of Court, Duties, Services, and Customs, as the same ancient Copyhold or customary Lands or Tenements are now held or enjoyed and demised respectively; and shall be also subject to and charged with the said Rent of Four Pence an Acre to the said Lord Bishop of *Durham*, and his Successors, and the said Remedies and Powers herein given and provided for securing, recovering, and obtaining the same; and shall also be subject to the Payment to the Lord of the said Manor, and his Successors, Lords of the said Manor for the Time being, of a Fine of Four Pence *per* Acre for every Acre of such Allotments, upon every Admission upon the Death or Alienation of each such Copyhold or customary Tenant thereof, over and besides the Fines now usually paid in such Cases for the said several ancient Copyhold Lands or Tenements.

Allotments
in respect of
Copyholds;
to be held of
the same Ma-
nor by
such Surren-
ders, and sub-
ject to the
same Customs
as said ancient
Copyholds.

And it is hereby further Enacted, by the Authority aforesaid, That when the said Common shall be so set out and allotted by the said Commissioners, by such Award or Writing as is herein-after mentioned, the several Persons to whom the said Lands and Grounds shall be allotted respectively, shall, within Two Years next after the filing and depositing the said Award in the Office of Auditor of the said Lord Bishop of *Durham* as herein-after mentioned, at their own Expence respectively,

Allotments
to be inclosed
within Two
Years after
the Award.

spectively, inclose, hedge, ditch, and fence, their said Shares and Allotments of the same, in such Manner as the said Commissioners shall direct and appoint.

Gaps to be
left in the
Hedges for
12 Months.

Provided nevertheless, That convenient Gaps or Openings shall be left in the said Fences and Inclosures, for the Space of Twelve Calendar Months next ensuing the filing and depositing of the said Award as aforesaid, for the Passage of all Cattle, Carts, and Carriages in, by, and through the same, unless the several Parties interested shall agree that the same shall be sooner made up and inclosed.

Commis-
sioners to set
out Highways
and other
Ways,

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners and their Successors, or any Three of them, shall and may set out and appoint publick and private Ways, Roads, and Passages in, through, and along, the Lands and Grounds so to be inclosed as aforesaid, with the Breadth thereof; all which publick Roads, so to be made, shall be and contain Forty Feet in Breadth at the least between the Ditches; and shall and may order and direct the said publick and private Roads to be made, maintained, and kept in Repair, by such Person or Persons, Owners or Occupiers of such Lands so to be inclosed, in such Shares and Proportions, and by such Ways and Means, as to the said Commissioners and their Successors, or any Three of them, shall seem expedient: And that it shall not be lawful for any Person thereafter to make or use any Roads or Ways, either publick or private, over or along the said new Inclosures, other than such Roads as shall be so set out and appointed as aforesaid (except the Lord Bishop of *Durham*, and his Successors, and his and their Lessees for the Time being, with respect to such Ways as are hereafter reserved to him and them for the Use of the Mines and Quarries within and under the said Moor or Common; and also except a Way lately made by *George Bowes*, Esquire, deceased, for the more commodious leading of Coals, and other Things, from and to the Colliery held by him from the said Lord Bishop of *Durham*, which shall be deemed a publick Way); and also that the said Commissioners and their Successors, or any Three of them, shall and may assign, set out, and appoint, proper Drains and Watercourses in or through all or any Part of the said Moor or Common, for the draining and improving the same, and order and direct such Drains and Watercourses to be cast, made, and repaired, by such Person or Persons, Owners or Occupiers of the Grounds so to be allotted and set out as aforesaid, and in such Manner and Form as to them shall seem meet.

none other to
be used, save
by the Bishop
and his Les-
sees, for the
Use of his
Mines.

Commis-
sioners to set
out Water-
courses,

Owners of
Allotments
may set Gates
across any
Parts of the
new Roads
against their
Lands;

Provided always, That the said several Proprietors of the new Inclosures intended to be made pursuant to this Act, shall have full Liberty for the Term of Ten Years, from the Time of filing and depositing of the said Award as aforesaid, to erect and place any Gate or Gates in or across any Part of the said Roads against his, her, or their own Land, for keeping out Sheep and Cattle, and to prevent their destroying

any other
Land

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destroying any Banks, Trees, Quicksets, and Fences, which shall be made and planted for fencing or inclosing any Part or Parcel of the said Common or Moor intended by this Act to be inclosed; and that the said Proprietors, or any of them, shall not graze any Sheep on their new Inclosures for Eight Years after the said new Inclosures shall be made.

Proprietors
not to graze
Sheep in new
Inclosures
for 8 Years.

And for the preventing all Disputes and Differences relating to the said Division and Inclosure, It is hereby further Enacted, by the Authority aforesaid, That immediately after the said Commissioners, or any Three of them, shall have compleated and finished the said Partition and Allotments of the said common Ground, pursuant to the Purport and Directions of this Act, they shall, with all convenient Speed, form and draw up an Award thereof in Writing, which shall express and specify the Quantity (in Statute Measure) of Acres, Roods, and Perches, contained in each Share or Allotment of the said Land and Ground so intended to be inclosed, which shall be assigned and allotted to the Parties intituled to and interested in the same respectively, with a Description of the Situation, Abutments, and Boundaries of each Allotment, distinguishing the Natures and Tenures of the same respectively, and in what Township the said Allotments do lie, and also what Lands and Tenements such Allotments shall be so set out and allotted in respect of, respectively: And the said Award shall also specify and contain the several yearly Rents of Four Pence *per Acre* to be charged upon each Allotment, and the Names of the respective Persons to whom the said Allotments shall be severally made, and by whom such Rents are to be paid, unto the said Bishop of *Durham*, and his Successors, for and in respect of such Allotments as aforesaid; and also shall contain Rules, Orders, and Directions for the making, setting out, and repairing all publick and private Ways, and the making and maintaining the Hedges, Fences, Ditches, Bridges, Drains, Watercourses, Gates, and Stiles, to be made in and upon the said Inclosures, and such other Orders, Regulations, and Determinations, as by the said Commissioners, or any Three of them, shall be thought proper and necessary to be inserted therein, conformable to the Purport and Intention of this Act; and which said Award shall be written upon Parchment, and signed and sealed by the said Commissioners, or any Three of them, and within Three Months after the Execution of the same, shall be deposited and inrolled in the Office of the Auditor of the Exchequer of the Lord Bishop of *Durham*, to the end Recourse may be had to the said Award and the Inrolment thereof, by any Person or Persons interested in the said Division; and the said Auditor, or his Deputy, shall mark and certify upon the said Award the Day and Year when the same shall be deposited in the said Office of Auditor, and thereto subscribe his Name to testify the same, and he shall be paid Ten Shillings for every Skin of Parchment of which the said Award shall consist, for inrolling the same; and that a true Copy upon Paper, with a Three-penny Stamp thereon, of such Award or Inrol-

After Division, Commissioners to make an Award thereof.

Award to be written upon Parchment, and in 3 Months to be inrolled and deposited in the Office of Auditor of the Bishop of *Durham*.

Copies thereof to be Evidence;

ment, or any Part thereof, and of the said Certificate of the Time of depositing the said Award as aforesaid, under the Hand of the said Auditor, or his Deputy, shall be allowed as Evidence in all Courts of Law and Equity; and the said Auditor, or his Deputy, is hereby required to make and deliver, to any Person or Persons requesting the same, a true Copy of the said Award or Inrolment, or any Part thereof, and the said Certificate under his Hand, being paid for such Copy after the Rate of Four Pence a Sheet, besides the said Stamp Duty, reckoning Seventy-two Words to a Sheet: And the said Auditor, or his Deputy, shall permit and suffer any Person or Persons whomsoever, from time to time, at all seasonable Times, to peruse and inspect the said Award or Inrolment at the said Office, being paid for every such Perusal and Inspection One Shilling; and the Survey or Plan to be taken of the said Moor and Common as aforesaid, shall be annexed to the said Award; and the said several Allotments, Ways, and Water-courses, shall be marked and set off upon the said Plan, and may be viewed and inspected in the said Office at all seasonable Times, on Payment of One Shilling for every such Inspection; and the said Survey shall also be Evidence in all Courts whatsoever.

Survey of the said Commons to be annexed to the said Award, and be Evidence.

On executing and filing the said Award all Right of Common to cease.

All Persons to accept their Allotment in 6 Months after depositing the said Award.

Guardians, &c. of Minors, &c. im-

Guardians, &c. of Minors, &c. im-

And it is hereby further Enacted, by the Authority aforesaid, That the several Lands and Grounds so to be assigned, set out and allotted unto and for the said several Persons intituled to the same by virtue of this Act, shall be in Bar of, and in full Satisfaction and Compensation of and for, all their and each of their Right of Common of Pasture, and other Common Right whatsoever, in, over, and upon the said Moor or Common, so to be divided and inclosed as aforesaid: And immediately after the making, executing, and depositing of the said Award as aforesaid, all Right of Common belonging to or claimed by all and every Person and Persons whatsoever, in, over, or upon the said Moor or Common, shall cease, determine, and be for ever extinguished; and all and every Person and Persons intituled unto any of the said Allotments, is and are hereby required to accept his, her, and their respective Shares and Allotments within the Space of Six Calendar Months next after the Execution and depositing of the said Award in the said Auditor's Office as aforesaid: And in case any Person or Persons shall neglect or refuse to accept his, her, or their said Allotment within the Time aforesaid, he, she, or they so neglecting or refusing, shall be totally excluded from having or receiving any Benefit or Advantage by this Act, and also from any Estate, or Interest, or Right of Common whatsoever, of, in, or to the Lands or Grounds so to be allotted to any other Person or Persons by virtue of this Act.

Provided always, and it is hereby Enacted, by the Authority aforesaid, That in case any such Person or Persons shall be an Infant, Lunatick, under Coverture, beyond the Seas, or otherwise incapable

capable by Law to accept such Allotments, then all and every Person and Persons being or acting as the Guardians, Committees, Husbands, Trustees, or Attorneys of such Person or Persons being Infants, Lunatics, under Coverture, beyond the Seas, or otherwise incapable by Law to accept such said Allotments, shall be and they are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid: And also that any Person or Persons intitled to such Allotments, as Tenant or Tenants for Life or Lives, or Term or Terms for Years, shall be, and is and are hereby respectively enabled and empowered to take and accept such Allotment: And also that any Person or Persons intitled to such Allotment, in Remainder, or Expectancy upon any precedent particular Estate, upon Neglect or Refusal of any Tenant or Tenants in Possession, or any Person intitled to such precedent particular Estate, shall be, and is and are hereby respectively enabled to accept such Allotment, in lieu and instead of any such Tenant or Person so intitled, and neglecting, or refusing, as aforesaid; and every such Acceptance respectively shall be, and is and are hereby declared to be, as valid and effectual, as if the Person or Persons to whom such Allotments shall be made respectively, were capable of acting for him, her, or themselves, or had not refused or neglected as aforesaid; any thing herein contained to the contrary notwithstanding.

powered to accept Allotments;

and also Tenants for Life, Terms of Years, &c.

and also Persons in Remainder, on Refusal or Neglect of those intitled to a precedent Estate.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, or of any Person or Persons acting as such, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Feme-Coverr, or other Person under such Disability or Incapacity as aforesaid, who shall claim and accept of his, her, or their Allotment within Twelve Months next after such Disability or Incapacity removed, or of any Person or Persons intitled as Heir, or in Remainder after the Death of any Person dying under such Disability, who shall claim or accept within Twelve Months after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued.

Guardians, &c. refusing to accept, not to exclude Minors, &c.

Provided also, and it is hereby further Enacted, by the Authority aforesaid, That this Act shall not extend, nor be construed, deemed, or taken to revoke, make void, alter, or annul any Will, Settlement, or Lease, nor to prejudice any Person or Persons having Right or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance out of, upon, or affecting any of the Lands or Tenements intitled to Right of Common on the said Moor intended to be divided, or any of the said Lands and Grounds intended to be inclosed, or any Part thereof; but that the said ancient Lands and Grounds, and also the Allotments to be made in respect thereof to the several Proprietors respectively, shall, immediately after such Allotment, be, remain, continue and enure, and be held and enjoyed, and

Not to revoke any Deeds, Wills, or Leases, nor prejudice Dower, Debts, &c.

and the several Persons to whom the same shall be assigned, shall from thenceforth stand and be seised and possessed thereof respectively, subject and liable to such and the same Wills, Limitations, Conditions, Settlements, Leases, Debts, Charges and Incumbrances, as the several Premises for which such Allotments were made, were and stood severally subject and liable to at the Time of executing the said Award.

Not to prejudice the Right of the Bishop to Mines, Quarries, &c.

The Bishop and his Lessees to work the Mines and Quarries, lay Waggon-Ways, erect Engines, &c. without making any Satisfaction.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained shall be construed to defeat, lessen, or prejudice the Right, Title, and Interest of the Lord Bishop of *Durham*, Lord of the Manor of *Evenwood* aforesaid, of, in, and to the Seigniority and Royalties incident and belonging to the said Manor; but that every such Lord, for the Time being, shall and may from time to time, and at all times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Royalties and Seigniories whatsoever to such Manor, or to the Lord thereof for the Time being, incident, belonging, or appertaining (other than and except such common Right as could or might be claimed by him or them respectively, as Owner or Owners of the Soil and Inheritance of the said Moors or Commons, or of the said Leasehold Premises, belonging to and demised by the Lord Bishop of *Durham*, in and upon the same) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he, or any of them, could or might have held and enjoyed the same, in case this Act had not been made: And also that the said Lord Bishop of *Durham*, and his Successors, and his and their Lessee and Lessees, shall and may, from time to time, and at all Times hereafter, have, hold, and enjoy all Mines and Quarries, of what Nature or Kind soever, lying and being within and under the said Moor or Common intended to be divided (other than and except such common Quarries of Stone as are herein-after mentioned); together with the Way made by the said *George Bowes*, as aforesaid, and all other convenient and necessary Ways and Way-Leaves, in, through, over, and along the said Moor or Common, or any Part thereof, not only before, but also at all times after the same shall be divided in pursuance and by virtue of this Act; and full and free Liberty at all times hereafter of making, laying, and repairing, any new Road or Roads, Waggon-Way or Waggon-Ways, or any other Way or Ways whatsoever, in, through, over, and along the same, or any Part thereof; and for that Purpose to take away and remove any Hedges, Fences, Partitions, or other Obstructions which shall be made for dividing the said Common, or otherwise, and to do every other Act which shall be necessary to be done for the Purposes aforesaid; and of searching for, winning, and working the said Mines and Quarries; and also of all other Mines and Quarries belonging unto the said Lord Bishop and his Successors, and his and their Lessee and Lessees, or any of them, wheresoever the same are or be, by any Ways or Means

now

now in Use, or hereafter to be invented; and also of leading and carrying away all and every the Coals, Lead, Minerals, Stones, and other Things, to be gotten forth and out of all and every the said Mines and Quarries belonging unto the said Bishop of *Durham* and his Successors, and his and their Lessee and Lessees, or any of them, as afore-said, and also of all Iron, Wood, Materials, and Things unto the said Mines and Quarries needful, necessary, or proper for the winning, working, and Use of the same respectively; and of making Drifts, Levels, Watercoursies, and Drains; and of erecting and using Fire Engines and other Engines, Pit-Rooms, Heap-Rooms, and all other necessary, convenient, and usual Works, Buildings, Erections, Liberties, Powers, and Authorities, as fully and freely as he or they might or could have held, used, and enjoyed the same in case this Act had not been made, excepting such Parts of the said Allotments as shall be a Dwellinghouse, Outhouses, Garden, Orchard, or Yard thereunto belonging; and that without making or paying any Satisfaction for so doing.

Provided also, and it is hereby further Enacted and Declared, by the Authority aforesaid, That the Messuage or Dwelling-house situate upon the said Moor or Common, and commonly called the *Red House*, now inhabited by *David Jackson*, Agent to *Thomas Peirse*, Esquire, the present Lessee of certain Coal Mines held of the said Lord Bishop, and all that Parcel of Ground adjoining to the said Dwelling-house, as the same is now staked out, and of the Contents and Dimensions hereafter mentioned, and thereby distinguished from the rest of the said Moor or Common, shall not be comprised within the said intended Division, nor shall be under or subject to the Powers or Authorities given to or vested in the said Commissioners appointed by this Act for the Division thereof; but that the said House, together with the Stables, Sheds, Fold, Garth, Garden, and other necessary Conveniencies belonging thereto, or now held and enjoyed therewith, shall remain and continue for the Use of the said Colliery, demised to the said *Thomas Peirse*; and that no Allotment shall be made within Forty-four Yards on the East Side of the said *Red House*, Seventy Yards and an Half on the West Side of the Fold-Garth-Wall, Twenty-one Yards on the South Side of the said Fold-Garth-Wall, and Thirty-five Yards on the North Side of the said Stables, as the said Ground reserved is now marked and staked out as aforesaid; and that the Inhabitants and Occupiers for the Time being of the said House shall, from time to time, for ever hereafter, have and enjoy full and free Liberty, by themselves and Servants, to use and fetch Water for all their Occasions from a Well or Spring near to the said House, called *Nutley Well*; and also full and free Liberty of using a Pond situate near the said Well, and on the East Side of the Turnpike Road there, for watering their Horses and all other Cattle, at all Times of the Year, without Interruption from any Person or Persons whatsoever.

A House called Red-house not to be included within the said Division;

nor any Allotment to be made within certain Distances of the said House.

And whereas great Inconveniencies may happen, and Damage be done to particular Persons, by reason of searching for, winning and working

Where particular Persons are damaged

in their Al-
lotments by
working
Mines, &c.
the Owners
of all the Al-
lotments to
contribute to-
wards reim-
bursing the
Damage.

Justices of
Peace to set-
tle such Da-
mage,
and fix the
Shares of each
Person to-
wards such
Damages.

On Refusal of
Payment, the
same to be
levied by Dis-
tress and Sale.

working the said Mines and Quarries, within and under, or leading or carrying away the Coals, Stones, or other Things, through and over their respective Allotments, by the said Bishop, his Successors, Lessee or Lessees, or Assigns, without making or paying any Satisfaction for so doing; ~~For Remedy whereof it is hereby Enacted~~. That when and so often as any Person or Persons shall suffer any Damage in his, her, or their respective Allotments, by the searching for, winning or working of the Mines and Quarries aforesaid, or making, laying, and repairing Waggon Ways or other Ways, or by leading and carrying away the Coals, Lead, Materials, Stones, or other Things thereout, therefrom, or thereto, or out, from, or to any other Mines or Quarries of him the said Lord Bishop; or making Drifts, Levels, or Watercourses, or erecting or using Fire Engines or other Engines, Pit-room, or Heap-room, or other the Liberties and Powers hereby given and reserved to and for the said Bishop, his Successors, Lessee or Lessees, or Assigns, upon Complaint thereof, by such Person or Persons so to be damnified as aforesaid, to One or more Justice or Justices of the Peace in and for the said County of *Durham* (Notice in Writing of such Complaint, signed by the Person or Persons so damnified, being fixed upon the South Door of the said Chapel of *Saint Helens Auckland* Six Days at least (One of them being *Sunday*) preceding such Complaint), such Justice or Justices is and are hereby impowered and required to inquire and examine into such Complaint or Complaints in a summary Way, either by Examination of Witnesses upon Oath, or being of the People called Quakers, on their solemn Affirmation (which Oath or Affirmation the said Justice or Justices is and are hereby required and impowered to administer), or by such Evidence or Proof, or his or their own View or Views, and other Ways and Means, as to him and them shall seem requisite and expedient in that Behalf; and finally to assess, settle, and determine the Damages sustained by the Person or Persons so complaining as aforesaid; which Damages, together with reasonable Charges on Account of making and prosecuting such Complaint, to be also fixed and settled by the said Justice or Justices, shall be born and paid equally and proportionably by the Owners or Occupiers of all the several Allotments (including the Person or Persons so damnified and making Complaint) according to the respective yearly Rents, or Values of the same, in such Shares and Proportions as the said Justice or Justices shall direct and appoint: And in case any Person or Persons chargeable with or contributable to the Payment of such Damages and Charges as aforesaid, shall neglect or refuse to pay his, her, or their said Shares thereof, within a Time to be limited for that Purpose by such Justice or Justices, to the said Person complaining; then the said Justice or Justices, by Warrant under his or their Hands shall, and he and they is and are hereby required to cause the same to be levied by Distress and Sale of the Goods, Chattels, or Cattle, of such Person or Persons so neglecting or refusing to pay the same as aforesaid, rendering the Overplus (if any), after deducting the reasonable Charges

Charges of such Warrant, Distress and Sale, to the Owner or Owners of such Goods, Chattels, or Cattle, upon Demand.

Provided always, and it is hereby Enacted, by the Authority The Owners of every Allotment may work Stones and Clay therein for their own Use.
aforsaid, That it shall and may be lawful to and for the Owners
and Proprietors of every Allotment for the Time being, at all times
to win, work, get, and take, Stones and Clay in their several Allor-
ments, and also in the common Quarries to be set forth as herein
after mentioned; and also for the Space of One Year next after the
Execution of the said Award, in any other of the said Allotments,
for necessary or convenient Buildings and Reparations, and for erect-
ing of Walls and Fences in and upon the same, or in and upon their
ancient inclosed Grounds, in respect of which the said Allotments
were made.

And it is further Enacted, by the Authority aforsaid, That the said Commissioners to set out common, Quarries, Wells, and watering Places.
Commissioners, or any Three of them, shall and may, and they are hereby
authorized and impowered to lay out, assign, and allot, such Part or
Parts of the said Moor or Common hereby appointed to be inclosed as
they shall think proper, in the most convenient Places for common
Quarries, for the Purposes aforsaid; and also publick and common
Wells and watering Places for Cattle, and all other Purposes; and
that the said *Nutley Well* shall be set out for a common Well and
watering Place.

And be it Enacted, by the Authority aforsaid, That the Allotments to be deemed in the same Townships as the Lands for which allotted.
several Allotments to be made pursuant to this Act to the several Per-
sons intituled to such Right of Common as aforsaid, shall be deemed,
judged, and taken, and they are hereby declared to be lying and being
within the several Townships wherein the Lands or Estates lie, in re-
spect of which such said Allotments are made.

And it is further Enacted, by the Authority aforsaid, That Commissioners dying or refusing to act, new ones to be chosen.
when and as often as any Commissioner or Commissioners hereby ap-
pointed, or hereafter to be elected in manner after mentioned, shall
die or refuse to act, it shall and may be lawful for the then Survivors or
Survivor of them, from time to time, within Twenty Days next after
such Death or Refusal, by an Instrument in Writing under their Hands
and Seals, or his Hand and Seal, to elect and appoint a Commissioner
or Commissioners not interested in the said Division, in the Place of
him or them so dying or refusing to act as aforsaid; and such new
Commissioner or Commissioners shall have the like Powers and Au-
thorities by virtue of this Act, as he or they, in whose Place he or
they succeed, had, or was or were hereby invested with; which said In-
strument shall likewise, within Ten Days after the executing thereof, be
deposited and inrolled in the said Auditor's Office, and a true Copy of
the said Instrument, or the Inrollment thereof, under the Hand of
the said Auditor, or his Deputy, shall be admitted as Evidence in all
Courts

Courts as aforesaid; the said Inrollment and Copy to be paid for in like Manner as is herein before mentioned, in respect to the said Award of the said Commissioners.

All Claims of Right of Common, or which may affect the Boundaries, to be given in at the First Meeting;

and all Objections touching any Allotments,

to be referred to Arbitrators.

To make their Award in Three Months,

And for preventing all unnecessary Obstructions and Delays in the said intended Division, and determining all Claims, Differences, and Disputes, that may arise concerning the Boundaries of the said Commons, or any Part of the same, or that may be made by any Person or Persons claiming Right of Common upon the said Moor or Waste, or any Part thereof, or of and concerning or relating to the Lots or Shares to be assigned or allotted to any such Person or Persons respectively by the said Commissioners, in pursuance of this Act; **Be it Enacted**, by the Authority aforesaid, That all and every Person or Persons, having or making any Claims which may affect the Boundaries of the said Common, or claiming any Right of Common thereon, shall and they are hereby required respectively to give and deliver in Writing an Account of such his, her, or their respective Claims, to the Commissioners, or any Three of them, at their First Meeting to be held in pursuance of this Act; and at no other Time or Times whatsoever shall such Claims be made, received, or allowed; and if such Claims, or any of them, shall be then and there, or at the Second Meeting of the said Commissioners, objected to by the said Lord of the said Manor of *Evenwood*, or any of the other Persons having Right of Common on the said Moor or Waste, or any Part thereof, or his or their Agent, Solicitor or Attorney; or if any Person or Persons shall have any just Objection or Cause of Complaint concerning or relating to the Lots or Share to be set out to him, her, or them by the said Commissioners, and shall desire to have the same referred to the said Arbitrators; then, and in any of the said Cases, the said Commissioners, or any Three of them, shall and they are hereby required to refer such Claims, Complaints, and Objections aforesaid, unto *Thomas Rudd* and *Thomas Gyll* of the City of *Durham*, Esquires, and *Christopher Fawcett* of the Town and County of *Newcastle upon Tyne*, who are hereby nominated and appointed Arbitrators finally to hear and determine all such Claims and Objections.

And be it further Enacted, by the Authority aforesaid, That the said Arbitrators, or any Two of them, shall, with all convenient Speed after such Reference, proceed to hear and determine the same by their own View, Examination of Witnesses upon Oath, or being Quakers on their solemn Affirmation (to be severally administered by any One or more of the said Arbitrators) or by such Evidence, Proof, Way, and Means as to them shall seem expedient: And the said Arbitrators, or any Two of them, shall form and draw up their Award in Writing under their Hands and Seals, within Three Calendar Months after such Reference to them as aforesaid; and such Award shall be conclusive and final to any Parties and Persons whomsoever; and shall

also

also within Two Months from the Execution thereof, be filed, paid for, and inrolled in the said Office of Auditor; and the said Award, or the Inrolment thereof, or Copy of the said Award or Inrolment, or any Part of the same in like Manner, and to be paid for as herein before is directed, in respect to the said Award of the said Commissioners, shall be allowed as Evidence in all Courts whatsoever as aforesaid.

And be it further Enacted, by the Authority aforesaid, That the said Arbitrators, or any One or more of them, shall and may, at the Request of any of the Parties interested, by Writing under his or their Hand or Hands, summon such Witness or Witnesses as shall be thought necessary to appear, and give Evidence before them, at such Time and Place as shall therein be appointed: And if such Witness or Witnesses, being duly served with such Summons, and having been paid or had rendered a Sum of Money sufficient to bear his, her, or their Charges of Attendance, shall neglect or refuse to appear and give Evidence before the said Arbitrators, then the said Arbitrators, or any Two of them, on due Proof thereof made, are hereby impowered and required, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear and give Evidence, any Sum of Money not exceeding Five Pounds, nor less than Forty Shillings, to the Use of the Person or Persons who caused such Witness to be summoned as aforesaid; rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Summons, Warrant, Distress, and Sale, to the Person or Persons respectively whose Goods and Chattels shall be so seized and sold as aforesaid.

Provided always, and be it also Enacted, by the Authority aforesaid, That the said Arbitrators, or any Two of them, may and they are hereby impowered to assess such Costs as they shall think reasonable, for the Use and Benefit of the Party or Parties in whose Favour their said Award shall be, upon and against the Person or Persons whose Claims or Objections shall be disallowed, as the Case shall happen; and by Warrant under the Hands and Seals of the said Arbitrators, or any Two of them, to levy such Costs by Distress and Sale of the Goods and Chattels of such last mentioned Person or Persons; rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Warrant, Distress, and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

And be it further Enacted, by the Authority aforesaid, That when any One or more of the said Arbitrators shall die or refuse to act, the said Commissioners, or any Three of them, acting under this Act, shall and they are hereby required, by Writing under their Hands and Seals, from time to time, to elect One or more fit Person or Persons, being a Barrister

E

or

to be filed and
inrolled in
the said Au-
ditor's Office.

Arbitrators
may summon
Witnesses;

Penalty on
their not ap-
pearing.

Arbitrators
may assess
Costs upon
Persons
against whom
they award.

Arbitrators
dying or re-
fusing to act,
new ones to
be chosen.

or Bailiffs at Law, in the Place of such Arbitrator or Arbitrators so dying or refusing to act, who shall and may act in the Premises as fully, to all Intents and Purposes, as if he or they had been named and appointed herein; which said Writing shall, within Fourteen Days after such Election, be filed, paid for, and enrolled, in the said Auditor's Office; and the same, or the Instrument thereof, or Copy of either of them, shall be Evidence in all Courts as aforesaid.

Claims of
Right of
Common at
the first Meet-
ing, not then
objected to,
shall be al-
lowed.

And it is further Enacted, by the Authority aforesaid, That all and every Claim and Claims of Right of Common in and upon the said Moor or Common, given in at the said First Meeting as aforesaid, and not then and there, or at the Second Meeting of the said Commissioners, to be held in pursuance of this Act, objected to, shall be allowed; and the Person or Persons making such Claims shall be intitled to and have an Allotment or Allotments according to the clear yearly Rent or Value of the Premises, to be given in as aforesaid, for which such Claim was made.

Public Notice
to be given of
the First
Meeting.

Tenor of No-
tice.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any Three of them, shall cause a Notice in Writing, under their Hands, to be fixed upon the South Door of the said Chapel at *Saint Helens Auckland*, and also to be inserted in the *Newcastle News Papers*, of the Time and Place of their First Meeting, One Calendar Month at least before such Meeting; by which said Notice, all Persons having, or pretending to have, any Claims which may affect the Boundaries of the said Moor or Common, or having or claiming Right of Common thereon, shall be required by themselves, their Agents or Tenants respectively, to give and deliver in Writing to the said Commissioners, at such First Meeting, an Account of such their Claims respectively; and also for all Persons claiming such Right of Common then and there, by themselves, their Agents or Tenants, to deliver an Account in Writing of such their Claims, and also of the Natures or Tenures of their respective Premises, in respect of which such Right of Common is claimed: And that it be signified by the said Notice, that all Persons neglecting to give in such several Claims and Accounts at the said First Meeting, shall be excluded and debarred of and from all Estate, Right, Title, Claim, or Interest of, in, or to, the said Common or Moor, or any Part thereof, and also all Benefit and Advantage of any Share or Allotment upon the said Division by virtue of this Act; and that all Persons who shall deliver in such Account of their Claims of Right of Common as aforesaid, to which no Objection shall be then and there, or at the said Second Meeting of the said Commissioners, made in Manner as aforesaid, such Claims will be allowed; and also that all Persons having or claiming such Right of Common as aforesaid, shall at such said First Meeting be required, by themselves, their Agents or Tenants respectively, to give and

and deliver in Writing, to the said Commissioners upon Oath, or being of the People called Quakers upon solemn Affirmation, or by Affidavit, sworn before One of the Masters Ordinary or Extraordinary in the Court of Chancery, a true and just Account of the yearly Rent or Value of their several Premises, in respect of which such Right of Common is claimed, clear of all Taxes, Assessments, Charges, and Deductions whatsoever, distinguishing the several Natures and Tenures thereof, as the same were lett, together or separately, for the said Year, beginning the said Twelfth Day of *May* One thousand Seven hundred and Fifty-nine; or in case the said Premises shall not have been then lett to any Tenant or Undertenants thereof respectively, or in case the same shall have been lett with other Lands not intitled to Right of Common on the said Moor or Wasse, then of the true yearly Value for which the same, distinguishing the Tenures thereof, might really and *bona fide* have been lett respectively, clear of such Taxes, Assessments, Charges, and Deductions aforesaid, at the Times aforesaid.

And be it further Enacted, by the Authority aforesaid, That at the said First Meeting of the said Commissioners, or any Three of them, they shall and may appoint such Time and Place for their next Meeting, and so adjourn from time to time to such subsequent Meetings, as to them shall seem meet; they causing Notice in Writing of the said Second Meeting to be fixed upon the South Door of the Chapel aforesaid, at least Fourteen Days before such Second Meeting; and causing Notice in Writing of every such subsequent Meeting, to be fixed on the said South Door of the said Chapel on the *Sunday* next preceding the same.

And be it further Enacted, by the Authority aforesaid, That in case any Person or Persons, who shall give and deliver in to the said Commissioners an Account or Accounts, upon Oath, or being of the People called Quakers, on solemn Affirmation, to be made before the said Commissioners, or verified by any Affidavit, to be sworn or affirmed before a Master Ordinary or Extraordinary in Chancery, of the clear yearly Rent or Value of any Lands or Tenements, for which a Right of Common is claimed or allowed in Manner and Form as aforesaid, shall give and deliver in a false Account or Accounts thereof; or if any Person or Persons, upon such Examination before the said Arbitrators, or Justice or Justices of the Peace as aforesaid, shall give false Evidence, every such Person or Persons so offending in any of the Cases aforesaid, and being duly convicted of such Offence or Offences, shall be, and is and are hereby declared to be, subject and liable to such Pains and Penalties, as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Commis-
sioners to ap-
point subse-
quent Meet-
ings.

Persons giving
false Accounts
or Evidence,
subject to
Pains by Law
inflicted for
Perjury.

And

Charges of
the Act, &c.
to be paid by
the Owners
of the Allot-
ments.

And it is hereby also Enacted, by the Authority aforesaid, That the Charges and Expences incident and attending the obtaining, procuring, and passing this Act, and of surveying, measuring, dividing, and allotting, the said Commons intended to be inclosed, and of a late Dispute touching a Part of the Boundaries of the said Common, before certain Arbitrators named in a late Act of Parliament, for dividing and inclosing the Moors and Commons within the Chapelry of *Hamsterly*, in the Manor of *Wolsingham*, and County of *Durham*, and of the setting out and making the said publick Highways, the preparing, making, executing, and inrolling the said Award of the said Commissioners, Instruments of Elections, the Charges and Expences of the said Commissioners and Arbitrators, and every other Person or Persons by them employed in and about the Division and Execution of this Act, and all other incident Charges and Expences whatsoever, relating to, or any-ways concerning or occasioned by, the said Division and Premises, shall be jointly borne and paid by the respective Persons to whom Allotments of the said Common shall be made respectively, by a Rate or Assessment to be made by the said Commissioners, or any Three of them, upon every such Person, in Proportion and according to the said clear yearly Values or Rents of his, her, or their said respective Estates and Premises, in Right of which such said several Allotments shall be respectively made in Manner and Form as aforesaid, and to be payable and paid by them respectively to such Person or Persons as shall by the said Commissioners be named and appointed in and by the said Rate: And in case any Person or Persons shall neglect or refuse to pay his, her, or their Share and Proportion of the said Charges and Expences, to be specified and fixed in and by the said Rate, within Six Days after Demand made of the same; then the said Commissioners, or any Three of them, shall, and they are hereby impowered and required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels, wheresoever the same shall be, of the Person or Persons neglecting or refusing to pay his, her, or their Share of such Rate; rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Demand, Warrant Distress and Sale being first deducted and paid.

Bishop of
Durham to
pay no
Charges.

Provided always, That the said Lord Bishop of *Durham*, or his Successors, or the said annual Rents so reserved and made payable to the said Lord Bishop of *Durham* by virtue of this Act, shall not be chargeable with, or contributable to, the said Charges and Expences, or any Part thereof.

Disputes be-
tween the
Owners of
Estates in
West Auck-
land and

And whereas several Disputes and Differences have arisen between the Owners and Proprietors of Lands and Tenements within the said several Townships of *Evenwood* and *West-Auckland*, touching their respective and several Rights of Common upon the said Waste or Common

mon intended to be divided, for and in respect of their said Lands and Tenements, in the said Townships of *Evenwood* and *West-Auckland* respectively; and the said Owners of Lands and Tenements, both in the said Townships of *West-Auckland* and *Evenwood*, are willing and desirous that the said Disputes and Differences shall be referred to and settled and determined by the said Arbitrators, **Be it therefore Enacted**, by the Authority aforesaid, That the said Arbitrators, or any Two of them, shall, with all convenient Speed, hear, examine into, and determine the said Disputes and Differences, in such Manner and Form as they are herein before directed and impowered, in regard to the Matters and Things to be to them referred by the said Commissioners, or any Three of them, as aforesaid; and that they do, within Six Months from the Time of passing of this Act, draw up and duly execute their Award in Writing touching the same; and that the said Award be inrolled and filed in the said Office of Auditor, and that a Copy thereof, or of the Inrolment thereof, or any Part thereof, under the Hand of the said Auditor or his Deputy, shall be good Evidence in all Courts whatsoever; and that such Sums of Money be paid for Inrolling, Copies, and Inspection thereof respectively, as are herein-before mentioned and directed, with respect to the said Award to be made by the said Commissioners as aforesaid.

Evenwood, relating to their Rights of Common upon the said Moor, to be referred to the said Arbitrators.

And whereas the Tythes of the said Townships of *Evenwood* and *West-Auckland* do belong to or are claimed by One or more Lay Impropriators, the same having been Parcel of the Possessions of the late dissolved Collegiate Church of *Saint Andrew Auckland*, in the County of *Durham*, and granted by the Crown to such Impropriators, or those under whom they claim, and several Disputes are likely to happen, touching the Right and Title to the Tythes to arise and accrue from and out of the said Moor or Common intended to be divided:

Disputes about the Tythes of the Allotments;

And whereas the said Moor or Common consists of great Variety of Ground, Part of it such as is easily cultivated, and other Part of it barren Heath and Waste, and such as would be intitled to an Exemption from Payment of Tythes for the Space of Seven Years from its first Improvement, and several Disputes are also likely to arise concerning the same; and the Persons intitled to such Right of Common, and the said Impropriators, are mutually willing and desirous that such Disputes may be referred to and settled and determined by the said Arbitrators:

and the Times of Payment thereof;

Be it therefore Enacted, by the Authority aforesaid, That all and every Person and Persons, having or claiming to have any Right or Title to the Tythes aforesaid, shall and they are hereby required, at the First or Second Meeting of the said Commissioners, to give and

to be referred to the said Arbitrators;

and Accounts
of Claims of
Tythes to be
given in to
Commission-
ers, at
their First or
Second Meet-
ing.

deliver in Writing to the said Commissioners then and there present, an Account of such Claim or Claims; and in case any Disputes or Differences shall happen to arise touching the same, either between or amongst such Claimants, or between the said Claimants, or any of them, and the Persons intitled to such Right of Common as afore-
said; that then, and in any such Cases, the said Commissioners shall and they are hereby required to refer such Claims, Differences, and Disputes unto the said Arbitrators, or any Two of them; and that the said Arbitrators, or any Two of them, shall, with all convenient Speed after such Reference, hear, examine into, and determine the same, in such and the like Manner and Form, as they are herein before directed and impowered, in regard to the said Matters and Things herein before ordered and directed to be to them referred by the said Commissioners as aforesaid.

Arbitrators
impowered to
compromise
the Disputes
touching the
Times of
Payment of
Tythes.

And be it further Enacted, by the Authority aforesaid, That in case any Disputes or Differences shall happen to arise between the Owners of the said Lands to be divided, and the Proprietors or Claimants of the said Tythes, touching the Time when the Payment of such Tythes shall commence; that then the Persons between whom such Disputes and Differences shall arise, shall and they are hereby required, by Writing or Writings under their respective Hands, to be signed by them respectively, at any time within the Space of One Year next after the inrolling the said Award, to be made by the said Commissioners as aforesaid, to refer the said Disputes and Differences to the said Arbitrators, or any Two of them; and that the said Arbitrators, or any Two of them, shall, with all convenient Speed, hear, examine into, and determine the said Disputes and Differences, in such Manner and Form as they are herein before directed and impowered, in regard to the Matters and Things to be referred to them by the Commissioners as aforesaid; and they are hereby authorized and impowered, if they shall see Cause, to compromise such Disputes, by appointing a less Time or Times than Seven Years next after such Improvement for the Commencement of the Payment of Tythes in Kind of the said intended Allotments; and that they do, within Six Months from the Times of such respective References, draw up and duly execute their Award or Awards in Writing touching the same; and that the said Award or Awards be inrolled and filed in the said Office of Auditor, and a Copy thereof, or of the said Inrolment, or any Part thereof, shall be good Evidence in all Courts whatsoever; and that such Sums of Money be paid for inrolling Copies and Inspection thereof, as are herein before mentioned and directed, with respect to the said Award to be made by the said Commissioners as aforesaid.

Saving to the
King and
others.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies

Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns (Other than the Lord of the Manor of *Evenwood* aforesaid, and his Successors, and all and every other Person or Persons, Bodies Politick and Corporate, and his Heirs and Successors, claiming or Intitled to any Common Right in, over, or upon the said Common so intended to be inclosed as aforesaid, for the Time being, and the Persons and their Heirs referring such Disputes in relation to the said Boundaries and Tythes as aforesaid); All such Right, Title, and Interest, as they, every or any of them, had and enjoyed, of, in, to, or out of the said Common or Moor intended or appointed to be inclosed as aforesaid, before the passing of this Act, or could, might, or ought to have had, held or enjoyed, in case this Act had not been made.

And the Pollack and Corporation his her, and their Heirs Successors,
Executors, Administrators, and Assigns (Other than the Lord of the
Manor of Everswood, and his Successors, and all and every
other Person or Persons, Bodies Politick and Corporate, and his Heirs
and Successors, claiming or tending to any Common Right hereover,
except the said Common, is intended to be included in a Statute, for
the more better, and the better, and their Heirs Successors, and Assigns
intending to the said Statute, and Thence as aforesaid, All such
Statute, Thence, and Thence, as they, every or any of them, and any
of them, for or one of the said Common or Moor, intended or
intending to be included in a Statute, before the passing of this Act,
shall have had, held, or enjoyed, in case this

Dividing and Inclosing a certain Moor
of Common, within the Manor
of Everswood, and Chapelry of
Saint Helens Auckland, and Coun-
ty of Durham.

A
C
T
FOR